



State of Wisconsin
1997 - 1998 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 780**

March 3, 1998 – Offered by Representatives SCHAFER, KRUSICK and UNDERHEIM.

1 **AN ACT to repeal** 50.096 (2) (a); **to renumber and amend** 50.04 (2v); **to amend**
2 50.096 (2) (intro.), 50.096 (2) (b), 50.096 (2) (c) and 50.096 (3); and **to create**
3 50.01 (1s), 50.01 (1w), 50.01 (5r), 50.02 (2) (bm), 50.02 (2) (bn), 50.04 (2) (d),
4 50.04 (2v) (b), 50.096 (2) (am) and 50.096 (2m) of the statutes; **relating to:**
5 minimum daily hours of service in nursing homes for certain nursing home
6 residents, requirements for nursing home reports, increasing positions for the
7 board on aging and long-term care and the department of health and family
8 services, requesting an audit, granting rule-making authority and making
9 appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

10 **SECTION 1.** 50.01 (1s) of the statutes is created to read:
11 50.01 (1s) “Intensive skilled nursing care” means care requiring specialized
12 nursing assessment skills and the performance of specific services and procedures

1 that are complex because of the resident's condition or the type or number of
2 procedures that are necessary, including any of the following:

3 (a) Direct patient observation or monitoring or performance of complex nursing
4 procedures by registered nurses or licensed practical nurses on a continuing basis.

5 (b) Repeated application of complex nursing procedures or services every 24
6 hours.

7 (c) Frequent monitoring and documentation of the resident's condition and
8 response to therapeutic measures.

9 **SECTION 2.** 50.01 (1w) of the statutes is created to read:

10 50.01 (1w) "Licensed practical nurse" means a nurse who is licensed or has a
11 temporary permit under s. 441.10.

12 **SECTION 3.** 50.01 (5r) of the statutes is created to read:

13 50.01 (5r) "Registered nurse" means a nurse who is licensed under s. 441.06
14 or permitted under s. 441.08.

15 **SECTION 4.** 50.02 (2) (bm) of the statutes is created to read:

16 50.02 (2) (bm) The department shall, by rule, define "intermediate nursing
17 care", "limited nursing care" and "skilled nursing services" for use in regulating
18 minimum hours of service provided to residents of nursing homes.

19 **SECTION 5.** 50.02 (2) (bn) of the statutes is created to read:

20 50.02 (2) (bn) The department may, by rule, increase the minimum hours of
21 nursing home care per day that are specified in s. 50.04 (2) (d) 1. to 3.

22 **SECTION 6.** 50.04 (2) (d) of the statutes is created to read:

23 50.04 (2) (d) Each nursing home, other than nursing homes that primarily
24 serve the developmentally disabled, shall provide at least the following hours of
25 service by registered nurses, licensed practical nurses or nurse's assistants:

1 1. For each resident in need of intensive skilled nursing care, 3.25 hours per
2 day, of which a minimum of 0.65 hour shall be provided by a registered nurse or
3 licensed practical nurse.

4 2. For each resident in need of skilled nursing care, 2.5 hours per day, of which
5 a minimum of 0.5 hour shall be provided by a registered nurse or licensed practical
6 nurse.

7 3. For each resident in need of intermediate or limited nursing care, 2.0 hours
8 per day, of which a minimum of 0.4 hour shall be provided by a registered nurse or
9 licensed practical nurse.

10 **SECTION 7.** 50.04 (2v) of the statutes is renumbered 50.04 (2v) (intro.) and
11 amended to read:

12 50.04 (2v) POSTING OF NOTICE REQUIRED. (intro.) Beginning on ~~January 1, 1992~~
13 July 1, 1998, a nursing home shall post in a conspicuous location in the nursing home
14 a all of the following:

15 (a) A notice, provided by the board on aging and long-term care, of the name,
16 address and telephone number of the long-term care ombudsman program under s.
17 16.009 (2) (b).

18 **SECTION 8.** 50.04 (2v) (b) of the statutes is created to read:

19 50.04 (2v) (b) The most recent copy of the report for the nursing home that is
20 specified under s. 50.096 (2).

21 **SECTION 9.** 50.096 (2) (intro.) of the statutes is amended to read:

22 50.096 (2) (intro.) By July 1, ~~1988~~ 1998, and annually thereafter, the
23 department shall provide each nursing home and the office of the long-term care
24 ombudsman with a report that includes the following information for the nursing
25 home:

1 **SECTION 10.** 50.096 (2) (a) of the statutes is repealed.

2 **SECTION 11.** 50.096 (2) (am) of the statutes is created to read:

3 50.096 (2) (am) The ratio of nursing staff available to residents per shift at each
4 skill level for the previous year for the nursing home, under criteria that the
5 department shall promulgate as rules.

6 **SECTION 12.** 50.096 (2) (b) of the statutes is amended to read:

7 50.096 (2) (b) The staff replacement rates for full-time and part-time nursing
8 staff, nurse's assistants and administrators for the previous year for the nursing
9 home and for all similar nursing homes in the same geographical area, as determined
10 by the department.

11 **SECTION 13.** 50.096 (2) (c) of the statutes is amended to read:

12 50.096 (2) (c) Violations of statutes or rules by the nursing home during the
13 previous year for the nursing home and for all similar nursing homes in the same
14 geographical area, as determined by the department.

15 **SECTION 14.** 50.096 (2m) of the statutes is created to read:

16 50.096 (2m) The department shall prepare a simplified summary of the
17 information required under sub. (2) (am) to (c), as specified by rule by the
18 department. The summary shall be on one sheet of paper and shall be in language
19 that is easily understood by laypersons. The summary shall state that a complete
20 copy of the most recent report of inspection of the nursing home is available from the
21 department, upon request, for a minimal fee.

22 **SECTION 15.** 50.096 (3) of the statutes is amended to read:

23 50.096 (3) Upon receipt of a report under sub. (2), the nursing home shall make
24 the report available to any person requesting the report. Upon receipt of a summary
25 under sub. (2m), the nursing home shall provide a copy of the summary to every

1 resident of the nursing home and his or her guardian, if any, to every prospective
2 resident of the nursing home, if any, and to every person who accompanies a
3 prospective resident or acts as the prospective resident's representative, as defined
4 in s. 655.001 (12), if any.

5 **SECTION 16. Nonstatutory provisions; health and family services.**

6 (1) NURSING HOME SURVEILLANCE. The authorized FTE positions for the
7 department of health and family services are increased by 0.5 FED position on
8 January 1, 1999, to be funded from the appropriation under section 20.435 (6) (n) of
9 the statutes, for the purpose of performing nursing home surveillance.

10 **SECTION 17. Nonstatutory provisions; legislative audit bureau.**

11 (1) AUDIT OF RESPONSES TO NURSING HOME STAFFING COMPLAINTS. The legislative
12 audit bureau is requested to perform a performance evaluation audit of the adequacy
13 of responses by the department of health and family services to complaints
14 concerning inadequate staffing in particular nursing homes. If the legislative audit
15 bureau performs the audit, the bureau shall begin the audit before July 1, 2000, and
16 shall file its report as described under section 13.94 (1) (b) of the statutes by
17 December 31, 2000.

18 **SECTION 18. Appropriation changes; board on aging and long-term**
19 **care.**

20 (1) OMBUDSMAN POSITIONS. In the schedule under section 20.005 (3) of the
21 statutes for the appropriation to the board on aging and long-term care under section
22 20.432 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is
23 increased by \$68,700 for fiscal year 1998-99 to increase the authorized FTE positions
24 for the board by 3.0 GPR positions on January 1, 1999, for the performance of
25 activities as representatives of the ombudsman.

